

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK MCDONALD,

Plaintiff,

v.

MOLINA HEALTHCARE, INC., and MOLINA
HEALTHCARE OF WASHINGTON, INC.,

Defendants.

CASE NO. C20-1189-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to continue the trial date and amend the case schedule. (Dkt. No. 28). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons explained below.

A court's scheduling order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). A party demonstrates good cause for modifying a scheduling order by showing that, despite the exercise of due diligence, the scheduled deadlines cannot be met. *See Zivkovic v. Southern Calif. Edison Co.*, 302 F.3d 1080, 1087–88 (9th Cir.2002) (finding that the moving party failed to demonstrate good cause for a continuance where it so moved four months after the scheduling order was issued). If the party seeking a modification did not exercise diligence, then the motion for modification should be denied. *Id.*

1 Here, Plaintiff waited until the last day of the discovery period before requesting a
2 continuance. (*See* Dkt. No. 19, 28.) He did not take any deposition nor serve any discovery in the
3 eight months since the case schedule had been issued. (Dkt. No. 33 at 6.) Plaintiff indicates he
4 wishes to extend the deadline in order to facilitate mediation, but Defendants assert that Plaintiff
5 did not respond to their earlier contact regarding mediation, only replying four days prior to the
6 discovery deadline in order to communicate its wish to move that deadline. (*See* Dkt. Nos. 28 at
7 2, 33 at 7.) This timeline suggests Plaintiff was not diligent in complying with the Court's
8 scheduling order.

9 Further, Defendants had already started preparing to file their motion for summary
10 judgment, (*see id.*), which is currently before the Court. (Dkt. No. 29.) Accordingly, the Court
11 finds Plaintiff has not demonstrated good cause to continue the trial date or modify the current
12 scheduling order and that doing so would unnecessarily prejudice Defendants.

13 For the reasons described above, Plaintiff's motion (Dkt. No. 28) is DENIED.

14 DATED this 27th day of December 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE